

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA

v.

**(3) THOMAS DANIEL GARCIA
USM# 41115-480**

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CRIMINAL NO: 1:19-CR-130-LY

ORDER

Pursuant to this Court's order of January 30, 2020, this matter came before the Court for a hearing on the question of whether to certify facts to Judge Yeakel so that Judge Yeakel could issue a show cause order regarding Jamie Ruiz's actions vis-à-vis this court's order of January 17, 2020 (Dkt. No. 386).

By way of background, on January 17, 2020, the undersigned granted Defendant Thomas Daniel Garcia's Unopposed Motion for Compassionate Release, filed on January 15, 2020 (Dkt. No. 384). Although Mr. Garcia had been detained pending trial, the court permitted his temporary release to attend his father's funeral on Sunday, January 19, 2020. The order granting the motion directed that the defendant be released into the custody of Ms. Ruiz and return to the Bastrop County Jail no later than 9:00 p.m. on January 19, 2020. Mr. Garcia did not return as required, and on January 21, 2020, this Court issued a bench warrant for his arrest (Dkt. No. 389). On January 29, 2020, the United States filed a motion asking the Court to issue an Order and Summons directing Ms. Ruiz to appear and Show Cause as to why she should not be held in criminal contempt for failing to maintain custody of Mr. Garcia (Dkt. No. 397). The motion was referred to the undersigned by Judge Yeakel. (Dkt. No. 398).¹

¹ As noted in the order setting this hearing, the undersigned's contempt power is limited by 28 U.S.C. § 636(e)(6)(B) to the power to certify facts to Judge Yeakel, and any contempt hearing must take place before Judge Yeakel, who is presiding over the underlying case.

Having now held the certification hearing, the court is of the opinion that Ms. Ruiz's actions were not contemptuous. Because Mr. Garcia affirmatively misled Ms. Ruiz into believing that his release had been extended, she did not understand that Mr. Garcia became a fugitive while he was in her custody. Based on these considerations, the undersigned finds that this matter should not be certified to the District Court for a contempt hearing.

SIGNED February 5, 2020.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE